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August 20, 2010

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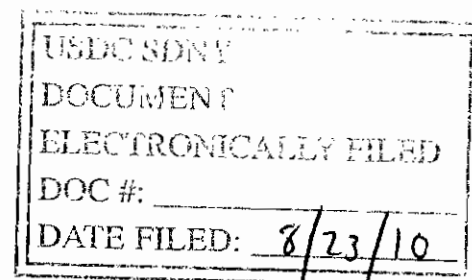
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### Via Federal Express

Honorable Denise L. Cote  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1040  
New York, New York 10007



Re: Taberna Capital Management v. Jaggi  
08-CV-11355

Dear Judge Cote:

We represent the defendant, Gurpreet Jaggi ("Defendant") in the above-referenced matter. For the reasons described herein, it is necessary to request an extension of the remaining deadlines set forth in the Court's Scheduling Order dated April 9, 2010 (the "Scheduling Order"), a copy of which is enclosed.

All fact discovery was completed by July 23, 2010 pursuant to the terms of the Scheduling Order. However, the current Scheduling Order directs that:

- (a) expert reports must be served by August 2, 2010;
- (b) rebuttal expert disclosures must be served by September 10, 2010;
- (c) all expert discovery must be completed by October 1, 2010; and
- (d) any motion for summary judgment and/or a Joint Pretrial Order must be filed by October 22, 2010.

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Due to the massive volume of the exhibits and related documents produced by Plaintiffs and relied upon by Plaintiff's expert in connection with the expert report, we request an extension of each of the aforesaid deadlines for a period of 60 days.

An incomplete version of Plaintiffs' expert report in this action was initially served via email upon Butler, Oden and Jackson, co-counsel for Defendant, on August 2, 2010. Although the report refers to six exhibits, only three of those exhibits were included in the emailed version of the document. A compact disc containing a hard copy of the report, including the exhibits referenced in the report, also apparently was served by counsel for Plaintiffs via regular mail on August 2, 2010. However, we did not receive a copy of the report until on or about August 6, 2010.

Tab 3 of the report contains an index of 102 documents reviewed by Plaintiffs' expert, Lawrence D. Morriss, Jr. in connection with his preparation of the report. None of the documents referred to in the index were included with the report, and the description of the documents included in the index is insufficient to identify the specific documents considered or determine whether such documents were previously produced in this litigation. We requested copies of these documents from Plaintiffs' counsel and received them on August 18, 2010.

Additionally, the report incorporates by reference another expert report by Mr. Morriss from a related proceeding, dated July 30, 2010 (the "Arizona Report"). That report contains 65 exhibits, one of which is a **528-page** index listing **25,083 documents** considered by Mr. Morriss in connection with the Arizona Report. The documents listed in the index to the Arizona Report were not produced with the Arizona Report, nor are their descriptions sufficient to identify the documents. Those documents were promptly requested from Plaintiffs' counsel by our co-counsel, Butler, Oden and Jackson in the related proceeding upon service of the Arizona Report. To date, Butler, Oden and Jackson has received 10 compact discs and two hard drives in response to their request for the documents listed in the index to the Arizona Report. We have recently been informed that another hard drive of documents is forthcoming. Though the sheer volume of the listed documents and lack of identifying information makes confirmation difficult, we believe many of the documents listed have not been produced as of this date, and that many of the documents listed were never previously produced.

Due to the overwhelming volume of these materials and manner of production, Defendant respectfully submits that the Scheduling Order dated should be extended by 60 days.

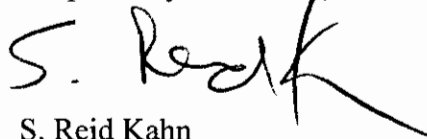
We have requested Plaintiffs' counsel's consent to an extension of the deadlines set forth in the Scheduling Order, but Plaintiffs have agreed to one week only. We therefore respectfully request that the Court grant a 60-day extension of the deadline for rebuttal expert disclosures and corresponding adjournments of the subsequent deadlines in the Scheduling Order, which would be affected by an extension of the rebuttal expert disclosure date.

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We are available for a conference at the Court's convenience to discuss our request.

Respectfully Submitted,

  
S. Reid Kahn

cc: Jamie Welton, Esq.  
Robert M. Castle, Esq.  
Suzan Jo, Esq.  
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*The parties may, on consent, adjust  
the schedule for expert discovery,  
but the October 22 date for  
a pretrial order or summary  
judgment motion is firm.*

*Amias C. Ke  
Aug. 23, 2010*